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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,165	09/10/2003	Edilio Zilioli	71089	3742

7590 08/11/2004  
McGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-0827

EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/659,165

Applicant(s)

ZILIOI, EDILIO

Examiner

Sunil Singh

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: claim 1 line 9, "so" should be --to--. Appropriate correction is required.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on 9/11/03. It is noted, however, that applicant has not filed a certified copy of the above mentioned application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draheim (US 6175974).

Draheim discloses a locking system (44, see Figs. 13A-15) for locking the sides of cribs for infants, the system comprising: crib uprights (see Figs. 1b, 2A); a crib side (see Fig. 3A) that can be raised and lowered along said crib uprights adjacent to it, said upright being provided with a pin (32) which is slidable in a guide groove (see Figs. 13A-15) provided along each of said side, and in which said groove has a curve and continues with a terminal portion, said terminal portion being shaped to form an undercut in which the pin is engaged to prevent the raising of the side, and a recess formed opposite the

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undercut (see Figs. 13A-14); a flat spring (44,46,100), said recess communicating with said guide groove with the interposition of said flat spring, said flat spring being configured so normally keep the pin in the undercut and so that, when said flat spring is bent back by a force exerted on the side, said spring enables the pin to move into the recess to a sufficient extent to become disengaged from the undercut and continue along said guide groove. Draheim discloses the invention substantially as claimed. However, the pin is not on the crib side and the groove is not on the crib upright. It would have been considered obvious to one of ordinary skill in the art to modify Draheim to provide the pin on the crib side and the groove on the crib upright since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillot (US 6571409).

Guillot discloses a locking system (see Figs. 4,5,8,10) for locking the sides of cribs for infants, the system comprising: crib uprights (17); a crib side (14) that can be raised and lowered along said crib uprights adjacent to it, said upright being provided with a pin (31) which is slidable in a guide groove (60) provided along each of said side, and in which said groove has a curve and continues with a terminal portion, said terminal portion being shaped to form an undercut in which the pin is engaged to prevent the raising of the side, and a recess formed opposite the undercut (see Figs. 4,5,8); a flat spring (53,54,76,77, Fig. 10), said recess communicating with said guide groove with the interposition of said flat spring, said flat spring being configured so normally keep

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the pin in the undercut and so that, when said flat spring is bent back by a force exerted on the side, said spring enables the pin to move into the recess to a sufficient extent to become disengaged from the undercut and continue along said guide groove. Guillot discloses the invention substantially as claimed. However, the pin is not on the crib side and the groove is not on the crib upright. It would have been considered obvious to one of ordinary skill in the art to modify Guillot to provide the pin on the crib side and the groove on the crib upright since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents (1146123, 1695571, 2289132, 2369834) all teach pin/groove connection between the crib post and crib side.

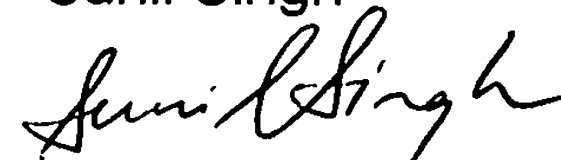
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh



Patent Examiner  
Art Unit 3673

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8/5/04